

CITY OF NORTHAMPTON  
MASSACHUSETTS

SEWER USE ORDINANCE

Effective July 18, 1985

Reprinted and updated - October 22, 2003

Approved by City Council  
5-6-2004 (See last page)

Amended

# City of Northampton

## MASSACHUSETTS

In the Year Two Thousand and Three

UPON THE RECOMMENDATION OF The Department of Public Works

### ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section <sup>22-41 - 22-52</sup> of said Code; providing ~~that~~ for the Use of Sewers

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Section 1. That sections <sup>22-41 - 22-52</sup> of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

"Section .....

#### **DIVISION 2. USE OF SEWERS\***

**DELETE THE FOLLOWING IN ITS ENTIRETY: Sections 22-41 through 22-52**

#### **ADD THE FOLLOWING:**

#### **DIVISION 2. USE OF SEWERS**

##### **SECTION 22.41 GENERAL PROVISIONS**

##### **A. PURPOSE AND POLICY**

This Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Northampton and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this Ordinance are:

- 1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

- 2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- 3) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- 4) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- 5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and,
- 6) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject. This Ordinance shall apply to all users of the Publicly Owned Treatment Works. The Ordinance authorizes the issuance of wastewater discharge permits; provides monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires users reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

## B. ADMINISTRATION

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other city personnel.

## C. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this division shall be as follows:

- (1.) "Act" or "The Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (2.) "Applicant" shall mean any person requesting approval to discharge wastewaters into the municipal facilities or a new connection to the wastewater works.
- (3.) "Approval Authority" shall mean the Administrator of the EPA.
- (4.) "Authorized Representative of Industrial User" shall mean
  - (a) A principal executive officer of at least the level of Vice President, if the Industrial user is a corporation;
  - (b) A general partner or proprietor if the industrial User is a partnership or proprietorship, respectively; or

- (c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the wastewater discharge originates.
- (5) "Best Management Practices" shall mean practices such as preventive maintenance, scheduling of activities or process alterations which enable the user to comply With the provisions of this Ordinance or any applicable State and/or Federal Guidelines.
- (6) "Biochemical Oxygen Demand" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.
- (7) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.
- (8) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- (9) "Categorical Pretreatment Standards" shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317) which apply to a specific category of users which appear in 40 CFR Chapter I, subchapter N, Parts 405-471.
- (10) "City" shall mean the City of Northampton acting through the Board of Public Works.
- (11.) "Combined Sewer" shall mean a sewer receiving both surface runoff and sewerage.
- (12.) "Compatible Sewer" shall mean wastewater constituents for which the POTW was designed or is operated to adequately treat.
- (13.) "Cooling water" shall mean water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (14.) "Control Authority" shall mean the Superintendent of the POTW.
- (15.) "Discharge Document" shall mean either the previously negotiated agreements or a wastewater discharge permit and shall include the criteria for discharge to the POTW.
- (16.) "Domestic Wastes" shall mean either the liquid wastes
- (a) from the non-commercial preparation, cooking and handling of food, or

(b) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

(17.) "Excessive" shall mean amounts or concentrations of a constituent of wastewater which in the judgement of the Superintendent

(a) will cause damage to any City facility;

(b) will be harmful to a wastewater treatment process;

(c) cannot be removed in the City treatment works to the degree required to meet the limiting stream classification standards of the Connecticut River and/or EPA and State effluent standards;

(d) can otherwise endanger life, limb, or public property, or

(e) can constitute a nuisance.

(18.) "Facilities" shall mean structures and conduits for the purpose of collecting, treating, neutralizing, stabilizing, or disposal of domestic wastewater and/or industrial or other wastewaters as are disposed of by means of such structures and conduits including treatment and disposal works, necessary intercepting, outfall, and outlet sewers and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and other appurtenances connected therewith.

(19.) "Garbage" shall mean the animal and vegetable waste resulting from the handling preparation, cooking and serving of food. It is composed largely of putrescible organic matter and its natural moisture content.

(20.) "Grab Sample" shall mean a sample which is taken from a wastestream on a one-time basis with noregard to the flow in the wastestream and without consideration of time.

(21.) "Holding Tank Waste" shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(22.) "Indirect Discharge" shall mean discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b), (c) or (d) of the Act into the POTW: (including holding tank waste discharged into the system.)

(23.) "Industrial Discharge Permit" shall mean the permit required to be obtained from the City by Significant Industrial Users to discharge to the City's POTW, as set forth in Section 22-45 of this Ordinance.

(24.) "Industrial User" shall mean a source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 USC 1342).

(25.) "Industrial Wastewater" shall mean all water-carried wastes and wastewater excluding domestic wastewater and unpolluted water. Includes all wastewater from any producing, manufacturing, processing, testing, institutional, commercial, agricultural, or other operations where the wastewater is discharged.

(26.) "Interference" shall mean a discharge by an industrial user which, alone or in conjunction with discharges by other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Water Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

(27.) "National Pretreatment Standards" shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 403.5.

(28.) "National Prohibitive Discharge Standard" or "Prohibitive Discharge Standard" shall mean any regulation developed under the authority of 307(b) of the Act and 40 CFR, section 403.5

(29.) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(30.) "New Source" shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

a) The building, structure, facility or installation is constructed at a site at which no other source is located; or

b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site; "substantially independent" to be determined by factors cited in 40 CFR 403.3 (k).

(31.) "Normal Operating Day" shall mean a 24-hour day in which the standard and routine operations and work of the facility is conducted. It would include, but is not limited to: daily

cleaning, routine maintenance, and production. It would not include: work stoppages, scheduled and unscheduled shutdowns, holiday schedules, major cleanups and the like.

(32.) "National Pollution Discharge Elimination System" or "NPDES" shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1324).

(33.) "Oil and Grease" shall mean any material (animal, vegetable, or hydrocarbon) which is extractable from an acidified sample of waste by freon or other designated solvent and as determined by the appropriate standard procedure.

(34.) "Pass-Through" shall mean the discharge of pollutants through the POTW into navigable waters in quantities or concentrations which, alone or in conjunction with discharges from other sources, are a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(35.) "Person" shall mean an individual, firm, company, association, society, corporation, group, governmental agencies or their representatives.

(36.) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(37.) "Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(38.) "Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, or industrial, municipal or agricultural waste discharged in water.

(39.) "Pretreatment" or "Treatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants to the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other than the above means, except as prohibited by CFR Section 403.6(d).

(40.) "Pretreatment Requirements" shall mean any substantive or procedural requirements related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.

(41.) "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

(42.) "Publicly Owned Treatment Work" or "POTW" shall mean the City-owned treatment works, as defined in Section 212 of the Act (33 U.S.C. 1292). This definition includes any

sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of the ordinance, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the city who are, by agreement with the City, users of the City's POTW.

(43.) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(44.) "POTW Treatment Plant" shall mean that portion of the POTW designed to provide treatment to wastewater.

(45.) "Receiving Waters" shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater receiving discharge of wastewaters.

(46.) "Septage" shall mean the sludge produced in individual domestic on-site wastewater disposal systems, such as septic tanks and cesspools.

(47.) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(48.) "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

(49.) "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposal of sewage.

(50.) "Sewer" shall mean a pipe or conduit for carrying sewage.

(51.) "Sewer Connection" shall mean a sewer pipeline running laterally from a street sewer, an offset sewer or a trunk sewer to an individual tract, lot, or parcel of land to serve one or more houses or other buildings, whether or not connected to any house or building.

(52.) "Shall" is mandatory, "may" is permissive.

(53.) "Significant Industrial User" or "Significant User" shall mean any Industrial User of the City's POTW who:

(a) Discharges 25,000 gallons per day or more of process wastewater (excluding sanitary, noncontact cooling, and boiler blowdown) to the POTW, or

(b) Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW, or



(c) Is found by the City to have a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)), or

(d) Is an industrial user subject to categorical pretreatment standards.

(54.) "Slug" shall mean any discharge of a non routine episodic nature, including but not limited to an accidental spill or a non-customary batch discharge that could cause a violation of the prohibited discharge standards in Section 22.43 of this Ordinance.

(55.) "Standard Industrial Classifications (SIC)" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(56.) "Standard Laboratory Procedures" shall mean those methods outlined in the most recent edition of the EPA manual METHODS FOR CHEMICAL ANALYSIS OF WATER AND WASTES, and/or the APHA, AWWA, WPCF publication STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER, or in 40 CFR 136.

(57.) "State" shall mean the Massachusetts Division of Water Pollution Control.

(58.) "Storm Drain" (sometimes termed "Storm Sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(59.) "Superintendent" shall mean the Director of Public Works of the City of Northampton, or his authorized deputy, agent or representative.

(60.) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(61.) "Toxic Substances" shall mean any substance or mixture, whether gaseous, liquid or solid, which, when discharged into the sewer system, may tend to interfere with any wastewater treatment process, constitute a hazard to human beings or animals, inhibit aquatic life, or create a hazard to recreation in the receiving waters of the effluent from POTW.

(62.) "Unpolluted Water" shall mean water whose discharge will not cause any violation of receiving water standards of the Commonwealth of Massachusetts.

(63.) "Upset" shall mean an incident in which there is unintentional and temporary non-compliance with Categorical Pretreatment Standards or the provisions of this Ordinance because of factors beyond the control of the Industrial User. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(64.) "User" shall mean any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

(65.) "Wastes" shall mean substances in liquid, solid or gaseous form that can be carried in water.

(66.) "Wastewater" shall mean the spent water of a community which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

(67.) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(68.) "ABBREVIATIONS" The following abbreviations shall have the designated meanings.

BOD -- Biochemical Oxygen Demand  
CFR -- Code of Federal Regulations  
EPA -- Environmental Protection Agency mg/l-- Milligrams per liter  
NPDES--National Pollutant Discharge Elimination System  
O/G -- Oil and Grease  
POTW-- Publicly Owned Treatment Works  
SIC -- Standard Industrial Classification  
TTO -- Total Toxic Organics  
TSS -- Total Suspended Solids  
USC -- United States Code

## SECTION 22.42 BUILDING SEWERS AND CONNECTIONS

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least sixty (60) days prior to the proposed change or connection.

B. There shall be two (2) classes of building sewer permits:

1) for residential and commercial service, and

2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the superintendent. A permit and inspection fee for a building sewer permit shall be paid to the city at the time the application is filed. The inspection fee to cover filing, inspection and review shall be in accordance with the fee schedule set by the Board of Public Works.

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. A private building sewer with more than one user must have easement documents on file with the Registry of Deeds showing shared ownership and maintenance responsibilities for the sewer. (See Rules and Regulations governing the subdivision of land in the City of Northampton, as amended.)

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by Superintendent, to meet all requirements of this division.

F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the American Society of Testing and Materials shall apply.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the American Society of Testing and Materials. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

J. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

## SECTION 22.43 USE OF THE PUBLIC SEWERS

A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as specifically designated as combined sewers or storm sewers, or to a natural outlet approved by EPA. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or combined sewer, or to a natural outlet on approval of the EPA. A discharge to a natural outlet may require a NPDES permit.

C. No user shall contribute or cause to be contributed, directly, any pollutant or wastewater which will cause pass-through or interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to other National Pretreatment Standards or any national, state or local Pretreatment Requirements. A user may not contribute the following substances to any POTW:

1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

2) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

3) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

4) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

5) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operations of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which are a fire hazard or a hazard to the system.

6) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings,

rag, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubrication oil, mud or glass grinding or polishing wastes.

7) Any wastewater having a pH less than 6.0, or, wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

8) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving water of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

9) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

10) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharge to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; or in non-compliance with any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.

~~11) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.~~

12) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

13) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW exceeds 40 C (104 F).

14) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause Interference to the POTW.

15) Any wastewater containing any radioactive wastes or isotopes.

16) Any wastewater which causes a hazard to human life or creates a public nuisance.

17) Any sludge resulting from the pretreatment of waters or wastewaters.

D. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse affect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinions as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of the wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the discharge point exceeds 104 F.

2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/L or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) Fahrenheit or zero(0) and sixty-five (65) degrees Celsius.

E. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

F. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern except when such an agreement or arrangement would constitute a violation of a General Pretreatment Regulation or would constitute a violation of categorical pretreatment standards.

#### G. LOCAL LIMITS

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

#### MAXIMUM ALLOWABLE INDUSTRIAL DISCHARGE CONCENTRATIONS

Maximum Allowable Industrial Concentrations mg/L

Constituent	mg/L
Arsenic	0.08
Cadmium	1.59
Chromium, T	8.89

Copper	0.86
Iron	15.00
Lead	0.69
Nickel	1.88
Silver	0.87
Zinc	2.61
Cyanide, T	0.81
Mercury	0.03
Oil & Grease	100.00

The above limits apply at the point where wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" unless indicated otherwise. The Superintendent may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

#### H. NATIONAL CATEGORICAL PRETREATMENT STANDARDS

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- 1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- 2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined-wastestream formula in 40 CFR 403.6(e).
- 3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- 4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

Upon the effective date of the Federal Categorical Pre-Treatment Standards for a particular industrial sub-category, the Federal Standard, if more stringent than the limitations imposed under this Ordinance for sources in that sub-category, shall immediately supersede the limitations imposed under this Ordinance.

Where the City's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pre-treatment Standards, the City may apply to the Approval Authority for modifications of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the waste-water treatment system to a less toxic or harmless state in the effluent which is

achieved by the system 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(b)(2) of Title 40 of the Code of Federal Regulations, Part 403 ("General Pretreatment Regulations for Existing and New Sources of Pollution") promulgated pursuant to the Act.

The City may then modify pollutant discharge limits in Federal Pretreatment Standards, if the requirements contained in 40 CFR, Part 403, Section 403.7 are fulfilled and prior approval from the Approval Authority is obtained.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those contained in this Ordinance.

The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of 403 CFR Part 403.

#### I) DILUTION

Except where expressly authorized by an applicable Pretreatment Standard or Requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The Superintendent may impose mass limitations on industrial users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate.

### SECTION 22.44 PRETREATMENT OF INDUSTRIAL WASTEWATERS

#### A. PRETREATMENT FACILITIES

Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the users expense.

Any user with a pretreatment facility discharging into a POTW shall be required by the Superintendent or other duly authorized employees (due to complexity of treatment process or toxicity of waste) to have a certified wastewater treatment plant operator in accordance with Chapter 781 of the Acts of 1970 (Chapter 112 of the Massachusetts General Laws, Section 87B(4).)

Detailed plans showing pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of the Ordinance. Any subsequent changes in the pretreatment facilities or



method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.

## B. MONITORING FACILITIES

The City shall require to be provided and effectively operated, at the user's own expense, monitoring facilities consisting of necessary meters and other appurtenances to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City.

## C. ACCIDENTAL/SLUG DISCHARGE CONTROL PLAN

Each industrial user shall provide protection from accidental sewer discharge of prohibited materials; slug discharges, defined as any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge; or other substance regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense.

Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. All existing users shall complete such a plan within 90 days after the effective date of this Ordinance. The plan shall contain at a minimum the following elements:

- 1) Description of discharge practices including non-routine batch discharges,
- 2) Description of stored chemicals,
- 3) Procedures for immediately notifying the POTW of slug discharges,
- 4) Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

No user who commences contribution to the POTW after the effective date of the Ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures

shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance.

#### D. HAULED WASTEWATER

1) Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as established by the Superintendent. Such waste shall not violate Section 22.43 (Use of the Public Sewers) of this Ordinance or any other requirements established by the City. The Superintendent may require septic tank waste haulers to obtain wastewater discharge permits.

2) The Superintendent shall require haulers of industrial waste to obtain wastewater discharge permits. The Superintendent may require generators of hauled industrial waste to obtain wastewater discharge permits. The Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this document.

3) Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

4) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

#### SECTION 22.45 INDUSTRIAL DISCHARGE PERMIT

All Significant Industrial Users proposing to connect to or contribute to the POTW shall obtain an Industrial Discharge Permit before connecting to or contributing to the POTW.

##### A. PERMIT APPLICATION

Users required to obtain an Industrial Discharge Permit shall complete and file with the City an application in the form prescribed by the City, and accompanied by a fee of \$25.00. New users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the users shall submit, in units and terms appropriate for evaluation, the following information:

1) Name, including the name of the operators and owners, address, and location (if different from the address);

2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

3) The user shall submit a list of any environmental control permits held by or for the facility:

4) A description of the nature and average rate of production. This description should include each product produced by type, amount, process or processes and rate of production; type and amount of raw materials processed (average and maximum per day); number of employees, and hours of operation of the plant and proposed or actual hours of operation of pretreatment system. The description should also include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

5) Flow data showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams including daily, monthly, and seasonal variations, if any. Other streams must be included as necessary to allow use of the combined wastestream formula. The Superintendent may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

#### B. CATEGORICAL INDUSTRIAL USERS SAMPLING REQUIREMENTS

1) The user shall identify the Pretreatment Standards applicable to each regulated process and submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Pretreatment Standards or POTW) of regulated pollutants in each process discharge. Both daily maximum and average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations.

2) A minimum of 4 (four) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sample techniques where feasible. The Superintendent may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is not feasible. Samples may then be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent discharged.

(3) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

4) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula (CFR 403.6(e) in order to evaluate compliance with Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 403.6(e) this adjusted limit along with supporting data shall be submitted to the POTW.

5) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures approved by the Administrator.

6) The Superintendent may allow historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures. The report shall indicate the time, date, and place of sampling, the methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

### C. COMPLIANCE WITH PRETREATMENT STANDARDS

1) The user must submit a certification statement indicating whether Pretreatment Standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the industrial user to meet the Pretreatment Standards and Requirements. This certification statement must be certified by a qualified professional.

2) If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards, the user shall submit to the POTW the shortest schedule by which the industrial user will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major event leading to the construction and operation of additional pretreatment required for the user to meet applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.)

(b) No increment referred to in sub-paragraph (a) shall exceed 9 months.

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress, and if not, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Superintendent.

The Superintendent will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Superintendent may issue an Industrial Discharge Permit subject to the terms and conditions provided herein.

#### D. WASTEWATER DISCHARGE PERMIT DECISION

If any waters or wastes are discharged or are proposed to be discharged into the public sewers which contain the substances or possess the characteristics enumerated in paragraph D of Section 22.43 and which in the judgement of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters or otherwise create hazard to life or constitute a public nuisance, the Superintendent may:

- 1) Reject the waste;
- 2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- 3) Require control over the quantities and rates of discharges; and/or
- 4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charge under the provisions of paragraph F of Section 22.43.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

#### E. PERMIT CONDITIONS

Industrial Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the Superintendent. Permits may contain the following:

- 1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;
- 2) Limits on the average and maximum wastewater constituents and characteristics;
- 3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- 4) Requirements for installation and maintenance of inspection and sampling facilities;
- 5) Specifications for a monitoring program which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- 6) Compliance schedules;
- 7) Requirements for submission of compliance schedules or periodic compliance reports;
- 8) Requirements for maintaining and retaining plant records relating to wastewater discharges as specified by the Superintendent, and affording City access thereto;

9) Requirements for notification to the City of any new introduction of wastewater constituents or any substantial changes in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

10) Requirements for notification of slug discharges;

11) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this Ordinance.

#### F. PERMITS DURATION

Permits shall be issued for a specified time period not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit re-issuance a minimum of 90 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Superintendent during the term of the permit as limitations or requirements as identified in Section 22.46 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions of the permit in existence prior to the time of transfer shall include a reasonable time schedule for compliance.

#### G. PERMIT MODIFICATIONS

Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Industrial Discharge Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for an Industrial Discharge Permit as required by Section 22.45, the user shall apply for an Industrial Discharge Permit within 180 days after the effective date of the applicable National Categorical Pretreatment Standards or 180 days after the final administration decision is made upon a category determination submission.

In addition, the user with an existing Industrial Discharge Permit shall submit to the Superintendent within 180 days after the effective date of the applicable Federal Categorical Pretreatment Standard the information required by Section 22.45.

#### H. PERMIT TRANSFER

Industrial Discharge Permits are issued to a specific user for a specific operation. An Industrial Discharge Permit shall not be reassigned or transferred or sold to a new or changed operation without the approval of the Superintendent. Any succeeding owner or user shall also comply with the terms and conditions of the Permit in existence prior to the time of the transfer.

## SECTION 22.46 REPORTING AND DOCUMENTATION REQUIREMENTS

### A. BASELINE MONITORING REPORTS

Within either one hundred and eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a permit application as outlined in Section 22.45. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent a permit application as outlined in Section 22.45. A new source shall also report the method of pretreatment it intends to use to meet applicable categorical standards, and shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

### B. COMPLIANCE DATE REPORT

Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and Requirements shall submit to the Superintendent a report containing the information described in Section 22-45, paragraphs A5, B1-6, and C1-2.

For industrial users subject to equivalent mass or concentration limits this report shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation) this report shall include the user's actual production during the appropriate sampling period.

### C. SELF-MONITORING FOR CATEGORICAL INDUSTRIAL USERS

Any user subject to a categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the POTW during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period. The Superintendent may require more detailed reporting of flows. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted. Where the POTW has imposed mass limitations on industrial users, periodic compliance reports shall indicate the mass of pollutants regulated by Pretreatment Standards in the discharge. For industrial users subject to equivalent mass or concentration limits, periodic compliance reports shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical Pretreatment Standards expressed only in

terms of allowable pollutant discharge per unit of production (or other measure of operation), periodic compliance reports shall include the user's actual average production rate for the reporting period. All periodic compliance reports for categorical industrial users must include the certification statement outlined in Section 22.46 E.

If the industrial user monitors any pollutant more frequently than required by the POTW, the results of this monitoring shall be included in this report.

#### D. SELF-MONITORING FOR NON-CATEGORICAL SIGNIFICANT INDUSTRIAL USERS

All non-categorical significant industrial users must submit a self-monitoring report. The reporting schedule and requirements will be stated on each Industrial Discharge Permit. These reports shall contain a description of the nature, concentration, and flow of the pollutants required to be reported, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the Industrial Discharge Permit and shall not be less than twice per year.

All sampling and analysis shall be performed in accordance with procedures established by the Approval Authority pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other procedures approved by the Approval Authority.

#### E. CERTIFICATION STATEMENT FOR REPORTS

CFR 403.12(L) and 403.6(a)(2)(ii) requires that the following certification statement be included with baseline monitoring reports, 90-day categorical compliance reports, and periodic monitoring reports.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations"

This statement shall be signed as follows:

- 1) By a responsible corporate officer if the industrial user is a corporation.
- 2) By a general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively.
- 3) By a duly authorized representative of the individual designated in (1) or (2) if; the authorization is made in writing, the authorization specifies either an individual or a position



having responsibility for the overall operation of the facility from which the industrial discharge originates, and the written authorization is submitted to the Superintendent.

#### F. REPORTS OF CHANGED CONDITIONS

Each user must notify the Superintendent of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change.

#### G. NOTICE OF POTENTIAL PROBLEMS (INCLUDING ACCIDENTAL AND SLUG DISCHARGES)

An industrial user shall immediately notify the POTW of any discharge that could cause problems to the POTW, including any instance of a discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge; or any discharge prohibited in Section 22.43.

The notification shall include location of the discharge, type of waste, concentration and volume and corrective actions.

Within five (5) days following an accidental discharge the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge.

Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

#### H. NOTICE OF VIOLATIONS AND RESAMPLING REQUIREMENTS

If sampling performed by an industrial user indicates a violation, the user shall notify the POTW within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within 30 days after becoming aware of the violation, except the industrial user is not required to resample if:

- 1) The POTW performs sampling at the industrial user at a frequency of at least once per month, or
- 2) The POTW performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

## I. HAZARDOUS WASTE NOTIFICATION

1) In accordance with Part 403.12(p) of the Code of Federal Regulations, industrial users shall notify the POTW, the EPA Regional Waste Management Division Director, and Massachusetts hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastewater expected to be discharged during the following twelve months. All notifications must take place within 90 days of the effective date of this rule. Any notification under this paragraph need be submitted only once for each hazardous waste discharged.

Industrial users who commence discharging after the effective date of this rule must provide the notification no later than 90 days after the discharge of the listed or characteristic hazardous waste.

Prior notification of changed discharges must be submitted immediately to the POTW.

The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements, Section 22-46.

2) Dischargers are exempt from the requirements of paragraph one (1) of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous waste requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

3) In the case of any new regulations under Section 3001 of RCRA (Resource Conservation and Recovery Act) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Division Director, and Massachusetts hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

4) In the case of any notification made under Section 22.46, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

## J. SAMPLE COLLECTION AND ANALYSIS

1) All sampling and analysis shall be performed in accordance with procedures established by the Approval Authority pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other procedures approved by the Approval Authority.

2) All measurements, tests, and analyses of the characteristics of wastewaters to which reference is made in this Ordinance shall be determined in accordance with Section 22.45 and shall be determined at the control structure provided, or upon suitable samples taken at said control structure. In the event that no special structure has been required by the Superintendent, samples shall be taken at suitable locations within the establishment from which the wastewaters are being discharged. Sampling shall be carried out by accepted methods specifically designed to obtain representative samples of the total wastewater discharge and of slugs if any occur.

(The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls from a premises is appropriate or whether a separate sample or samples should be taken.) Frequency of the sampling shall be established by the Superintendent on an individual basis and stated on the user's Industrial Wastewater Discharge Permit. Any costs involved in examination and tests shall be paid by the individual industry.

The Superintendent may check these tests at his discretion.

## K. MONITORING REGULATIONS

Periodic measurements of flow, pollutant concentrations and other appropriate waste characteristics shall be made by those users specifically designated by the Superintendent. The Superintendent shall determine the type of sampling required. Upon request all samples taken by the industrial user shall be divided with the City for testing as specified by the Superintendent. Continuous monitoring may be required in cases involving large fluctuations in quantity or quality of wastes, or if the wastewater appears to have characteristics which may damage the treatment system. The acceptability of any monitoring results shall be determined by the Superintendent. Self-monitoring frequency, parameters, and location shall be specified by the Superintendent and stated on the user's discharge permit.

## L. REPORT KEEPING

1) Any industrial user subject to the reporting requirements established in this Ordinance shall maintain records of all information resulting from any monitoring activities required by this Ordinance and/or the user's wastewater discharge permit. Such records shall include for all samples:

(a) The date, exact place, method and time of sampling and the name(s) of the person(s) taking the samples:

(b) The dates analyses were performed:

(c) Who performed the analyses:

(d) The analytical techniques/methods used, and:

(e) The results of such analyses.

2) Any industrial user subject to the reporting requirements established in this Ordinance shall be required to maintain for a minimum of three years all records of monitoring activities and results. Records shall be made available for inspection and copying by the Superintendent of the POTW, and the Director and the Regional Administrator of the EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW, or when requested by the Director or the Regional Administrator.

#### M. TRUTH IN REPORTING

The reports required by this article shall comply with the provisions of the United States Code (18 U.S.C.1001) relating to fraud and false statements and the provisions of Section 309 (c)(2) of the Act governing false statements, representations or certifications in reports required under the Act.

#### N. SLUDGE DOCUMENTATION

The transportation and/or disposal of sludges generated by pretreatment shall be subject to applicable federal, state and local regulations. The industrial user shall be responsible for documenting the transportation and/or disposal of all pretreatment sludges. Receipts and other documentation shall be kept for a minimum of three years and shall be made available to the Superintendent upon request.

#### O. INTERCEPTED AND SEPARATED MATERIAL

Upon request by the Superintendent, a user having an interceptor or separator must state specifically how the waste oil, grease, solvent, paint, etc. is disposed of and must provide evidence of such disposal service when required by the Superintendent. Records and receipts must be kept which demonstrate that these waste materials were contained and transported in a safe manner as prescribed by the rules of regulatory agencies, including, but not limited to the U.S. Department of Transportation, and handled by reputable persons who shall dispose of all such wastes in accordance with all Federal, state, and local regulations. Grease traps must conform to the plumbing code of the City of Northampton and the Code of Massachusetts Regulations 310, Part 15.230. The disposal of grease via the sewer system, whether as a result of the lack of a grease trap or the improper maintenance of a grease trap, is a violation of this Ordinance and subject to penalties as specified in Section 22-49 Enforcement Remedies.

#### SECTION 22.47 CITY INSPECTION AND SAMPLING

A. The City may inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Superintendent and

his duly authorized employees of the City ready access at all reasonable times to all pertinent parts of the premises for the purposes of inspection, observation, measurements, sampling, records examination and copying, or in the performance of any of their duties. The City and the Approval Authority shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where the user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel for the City and Approval

Authority will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

#### B. POWERS AND AUTHORITY OF INSPECTORS

- 1) The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties provided due process of law is followed, for purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this division.
- 2) While performing the necessary work on private properties referred to in paragraph (1) above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company.
- 3) The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties connected to the POTW for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works, lying within said easement.

#### SECTION 22.48 CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Superintendent that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public. However, these portions shall be made available to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) permit, State Disposal System permit and/or the Pretreatment Program and shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

## SECTION 22-49 ENFORCEMENT REMEDIES

### A. NOTIFICATION OF VIOLATION

Whenever the City finds that any user has violated or is violating this Ordinance, Industrial Discharge Permit, or any prohibition or limitation or requirements contained herein, the City may serve such persons a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### B. SHOW CAUSE HEARING

The City may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Board of Public Works why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Board of Public Works regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Board of Public Works why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten days before the hearing. Service may be made on any agent or office of a corporation.

The Board of Public Works may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the assigned department to:

- 1) Issue in the name of the Board of Public Works notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- 2) Take the evidence;
- 3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of Public Works for action thereon.

At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcripts, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the Board of Public Works has reviewed the evidence, it shall, if satisfied that an unauthorized discharge has occurred, issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless

adequate treatment facilities, devices or other related appurtenances be installed and properly operated. Further orders and directives as are necessary and appropriate may be issued.

A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

#### C. COMPLIANCE ORDERS

When the Superintendent finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time.

If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

#### D. CIVIL PENALTIES

For noncompliance by any user who is found to have violated an order of the City Council or who failed to comply with any provision of this Ordinance or the orders, rules and regulations and permits issued hereunder, the City shall have the authority to fine an amount not to exceed Five Thousand (\$5,000.00) Dollars per day for each offence. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the rules and regulations and permits issued hereunder.

Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned by reason of such violation. If any person discharges sewage, industrial wastes or other wastes into the City's POTW contrary to the provisions of this Ordinance, Federal or state Pre-treatment Requirements, or any order of the City, the City Council may commence an action for appropriate legal and/or equitable relief in the State Superior Court. Filing a suit for civil penalties shall not be a bar against, or prerequisite for, taking any other action against a user.

#### E. CRIMINAL PROSECUTION

A user who willfully or negligently violates any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pre-treatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine or imprisonment or both.

A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a fine or imprisonment or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

#### F. CEASE AND DESIST ORDERS

When the Superintendent finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- 1) Immediately comply with all requirements; and
- 2) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

#### G. FALSIFYING INFORMATION

Any person who knowingly makes false statements, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance or industrial discharge permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than \$1,000 per violation per day or by imprisonment for not more than six (6) months, or by both.

#### H. PROTECTION FROM DAMAGE

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to appropriate legal action.

#### I. EMERGENCY SUSPENSION

The City may, after informal notice to the discharger, immediately and effectively halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent



endangerment to the health or welfare of persons or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW.

Any person notified to cease discharge of a wastewater which presents an imminent endangerment to the health or welfare of persons or to the environment, or causes interference to the POTW, shall immediately stop or eliminate the contribution. In the event of failure of the person to comply voluntarily with the notice, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals.

The City shall reinstate wastewater treatment service upon proof of the elimination of the non-complying discharge.

A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Superintendent within 15 days of the date of occurrence.

#### J. REVOCATION OF DISCHARGE PERMIT

Any user who is in violation of this Ordinance, or applicable state and federal regulations for the following reasons, is subject to having his discharge document revoked.

- 1) Failure of a user to factually report the waste-water constituents and characteristics of his discharge.
- 2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics.
- 3) Refusal of reasonable access to the users premises for the purpose of inspection or monitoring.
- 4) Violation of conditions of the permit or this Ordinance.

#### K. PUBLICATION OF SIGNIFICANT NONCOMPLIANCE

The General Pretreatment Regulations specify, in 40 CFR 403.8(f)(2)(vii), that the POTW must comply with the public participation requirements of 40 CFR Part 25. Procedures established to comply with these requirements include "at least annually providing public notification in the largest daily newspaper published in the municipality in which the POTW is located, of industrial users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements."

For the purposes of the public participation requirements of CFR 40 403.8(f)(2)(vii), an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- 1) Chronic violations of wastewater discharge limitations (66 percent or more of all measurements taken in a 6 month period exceed the daily maximum or the long-term average limit for the same pollutant parameter)
- 2) Technical Review Criteria (TRC) violation (33 percent or more of all measurements taken in a 6 month period exceed 1.2 times the limit for toxics or 1.4 times the limit for BOD, TSS, and Oil & grease)
- 3) Any other violation of an effluent limit that the POTW determines has caused, either alone or in combination with other discharges, pass through or interference.
- 4) Any discharge that causes endangerment to human health, welfare, or the environment, or causes the POTW to exercise its emergency authority to halt or prevent such discharge.
- 5) Failure to meet a compliance schedule milestone date or enforcement order within 90 days after the scheduled date for starting construction, completing construction, or attaining final compliance.
- 6) Reports that are more than 30 days late (e.g. Baseline Monitoring Reports, 90-day reports, periodic self-monitoring reports, and compliance schedule milestone reports).
- 7) Failure to accurately report noncompliance.
- 8) Any violation determined to adversely affect the operation or implementation of the pretreatment program.

#### L) REMEDIES NONEXCLUSIVE

The remedies provided for in this Ordinance are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant user. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant user.

#### SECTION 22-50 CITY REPORTING REQUIREMENTS

The Superintendent shall submit an annual report to the EPA which will summarize the data contained in all permits and monitoring reports by both industrial users and the City and the operating experience of the wastewater treatment plant. The intent of this report shall be to compare the total discharge of industrial users with the design capacity of the industrial portion of the wastewater treatment plant in each applicable aggregate influent parameters: pH, solids, loading, BOD, oil & grease, and metals content. This report shall be submitted to EPA on the first of March each year.

The Superintendent shall also advise the City Council on a periodic basis on the observed increase in loading on the wastewater treatment plant relative to the planned or expected growth.

## SECTION 22.51 CHARGES AND FEES

The Superintendent may adopt charges and fees which may include:

- 1) Fees for reimbursement of costs of setting up and operating the City's Pretreatment Program.
- 2) Fees for monitoring, inspection, and surveillance procedures.
- 3) Fees for reviewing accidental discharge procedures and construction.
- 4) Fees for permit applications.
- 5) Fees for filing appeals.
- 6) Fees for consistent removal by the City's POTW of pollutants otherwise subject to Federal Pretreatment Standards.
- 7) Other fees as the Superintendent may deem necessary to carry out the requirements contained therein

These fees relate solely to the matter covered by this Ordinance and are separate from all other fees chargeable by the City

## SECTION 22-52 ADDITIONAL RULES AND REGULATIONS

Any rules and regulations consistent with this Ordinance may be adopted and/or amended by the Superintendent in conformance with Section 10, Chapter 83 of the General Laws of the Commonwealth of Massachusetts after due notice published once a week for three consecutive weeks in a newspaper available to inhabitants of the City.

In City Council, May 6, 2004

Rules suspended, passed two readings, ordained and enrolled.

Attest:

 , City Clerk of the Council

Approved: Mary Clare Higgins , Mayor

A true copy,

Attest:

 , City Clerk of the Council